



AGENDA
LAKE FOREST CITY COUNCIL

**Regular Meeting of the City Council
August 19, 2008**

**Lake Forest City Hall
25550 Commercentre Drive
City Council Chamber
Lake Forest, California 92630**

NOTICE: Pursuant to Lake Forest Municipal Code Section 2.04.010, Regular Meetings of the City Council are held the First and Third Tuesday of each month at the hour of 6:00 p.m. for Closed Session matters, if required. The Public Session of the meeting shall commence at 7:00 p.m. or as soon thereafter as possible.

AGENDA ON THE INTERNET: The Agenda is available through the Internet at www.ci.lake-forest.ca.us. You can access the document on the Friday before the meeting on Tuesday. A brief summary of the actions taken at the meeting will be posted on the Internet the Thursday following the meeting.

AGENDA DOCUMENT REVIEW: The full Agenda including all back up information is available at City Hall, 25550 Commercentre Dr., Lake Forest, California, on the Friday prior to the Tuesday meeting.

AGENDA DESCRIPTION: The Agenda descriptions are intended to give notice to members of the public of a general summary of items of business to be transacted or discussed. The listed Recommended Action represents staff's recommendation. The City Council may take any action, which it deems to be appropriate on the agenda item and is not limited in any way by the recommended action.

CALL TO ORDER:

6:00 p.m.

ROLL CALL: Council Members:

Richard T. Dixon
Kathryn McCullough
Marcia Rudolph
Peter Herzog
Mark Tetterer

Mayor Pro Tem:

Mayor:

City Manager:

City Attorney:

City Clerk:

Robert C. Dunek
Scott C. Smith
Sherry A.F. Wentz

CLOSED SESSION: At this time the City Council may recess to Closed Session for conference with Legal Counsel to discuss the items listed below pursuant to Government Code requirements. Any items not concluded by 7:00 p.m. may be continued to the end of the Public Session.

1. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to Government Code Section 54956.8. (Two (2) Properties)

City Negotiators: City Manager and City Attorney
Property Negotiators: Property Owners on Record
Under Negotiation: Price and Terms of Payment

A. Property: 18 acre portion of Tentative Tract 15944 consisting of Lots 14, 15, 16, 21, and 22 along with the westerly 118'± of Lot 20 and the westerly portion of Lot 17 described by a line extending from the common front corner between Lots 16 & 17 "M" Street to a point on the northeasterly line of Lot 20, 118'± from the north center, Lake Forest, CA

B. Property: 20 acres located on APN 104-143-25 and 104-143-27, located at Rocky Road, west of Portola Parkway, south of Foothill Transportation Corridor, Lake Forest, CA

3. **CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION**

Initiation of litigation pursuant to Government Code Section 54956.9: One (1) Case.

RECOMMENDED ACTION: Conduct Closed Session.

RECESS: City Council will recess from Closed Session, for the purpose of conducting regular City business.

RECONVENE: City Council will reconvene, to continue regular City business.

PUBLIC SESSION: At this time the City Council will convene to consider public matters. Those wishing to address the City Council must submit a completed "Request to Speak" form to the City Clerk prior to City Council action.

PLEDGE OF ALLEGIANCE: Pledge of Allegiance to the Flag of our Country to be led by Mayor Tettermer.

CLOSED SESSION REPORT: City Attorney will report on Closed Session.

PRESENTATIONS:

1. [REQUESTS FOR COMMENDATIONS AND PROCLAMATIONS submitted by City Clerk.](#)

A. PROCLAMATION DECLARING THE MONTH OF SEPTEMBER 2008, AS "RECOVERY MONTH"

RECOMMENDED ACTION: Approve request as submitted.

RECESS: City Council will recess for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council will reconvene to continue regular City business.

PUBLIC COMMENTS:

At this time members of the public may address the City Council regarding any items within the subject matter jurisdiction of the City Council. **NO** action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person and an overall time limit of thirty minutes for the Public Comments portion of the agenda.

Any person wishing to address the City Council on any matter, whether or not it appears on this agenda, is requested to complete a "Request to Speak" form available at the door. The completed form is to be submitted to the City Clerk prior to an individual being heard by the City Council.

Whenever possible, lengthy testimony should be presented to the City Council in writing (8 copies) and only pertinent points presented orally. Additionally, a "Request to Register Written Comments" form is available at the desk of the City Clerk.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 2)

All matters listed under the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless Members of the City Council, the public, or staff request specific items be removed from the Consent Calendar for separate action.

2. [WARRANT REGISTER submitted by Director of Finance/City Treasurer in the amount of \\$1,838,488.68.](#)

RECOMMENDED ACTION: Approve as submitted.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 3-10)

All matters listed under the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless Members of the City Council, the public, or staff request specific items be removed from the Consent Calendar for separate action.

3. [MOTION TO APPROVE THE READING BY TITLE OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS WHICH APPEAR ON THE PUBLIC AGENDA SHALL BE DETERMINED TO HAVE BEEN READ BY TITLE AND FURTHER READING WAIVED.](#)

RECOMMENDED ACTION: Waive reading of Ordinances and Resolutions.

4. [MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON JULY 1, 2008, submitted by City Clerk.](#)

RECOMMENDED ACTION: Approve as submitted.

5. [ADOPTION OF ORDINANCE NO. 198 submitted by City Clerk.](#)

RECOMMENDED ACTION: 1. Conduct second reading of Ordinance No. 198 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING SECTION 2.04.050 OF THE LAKE FOREST MUNICIPAL CODE AND ADJUSTING COMPENSATION FOR THE CITY COUNCIL MEMBERS. 2. Adopt Ordinance No. 198 as submitted.

6. [REVIEW OF THE INVESTMENT POLICY submitted by Director of Finance/City Treasurer.](#)

RECOMMENDED ACTION: Approve the revised Investment Policy.

7. [BUDGETED POSITIONS FOR FY 2008-09 AND COMPENSATION PLAN submitted by Director of Management Services.](#)

RECOMMENDED ACTION: Adopt a Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADOPTING A REVISED CLASSIFICATION PLAN AND SALARY SCHEDULE.

8. [QUITCLAIM OF EMERGENCY VEHICLE ACCESS EASEMENT AT 21041 OSTERMAN ROAD submitted by Director of Public Works/City Engineer.](#)

RECOMMENDED ACTION: 1. Approve the quitclaim of emergency vehicle access easement to NP Bellecour, Inc., a Delaware Corporation. 2. Authorize the Mayor to execute, and the City Clerk to record the quitclaim.

9. [CONTRACT AWARD FOR THE UNIVERSALLY ACCESSIBLE PLAYGROUND PROJECT \(PW 2007.23\) submitted by Director of Public Works/City Engineer.](#)

RECOMMENDED ACTION: 1. Waive the minor bid irregularity of an unattached bid bond, and award a contract in the amount of \$326,293.22 to Micon Construction, Inc., of Placentia, California, for construction of the Universally Accessible Playground Project (PW 2007.23). 2. Adopt a Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING THE CAPITAL IMPROVEMENT PROJECTS BUDGET FOR 2007-2009. 3. Upon receipt of the executed contract documents from Micon Construction, Inc., reject all other bids received and authorize return of the Bid Bonds. 4. Authorize the Mayor to sign, and City Clerk to attest the contract with Micon Construction, Inc. 5. Authorize the City Manager to approve contract change orders up to a maximum ten percent (10%) of the contract amount.

10. [NOTICE OF COMPLETION FOR SLURRY SEAL IMPROVEMENTS ON VARIOUS CITY STREETS \(PW 2007.17B\) submitted by Director of Public Works/City Engineer.](#)

RECOMMENDED ACTION: 1. Find that Bond Blacktop of Union City, California, has completed the construction of the Slurry Seal Improvements on Various City Streets Project (PW 2007.17B). 2. Approve the Notice of Completion and authorize the Mayor to execute the document on behalf of the City. 3. Authorize the City Clerk to submit said Notice of Completion for recordation to the Office of the County Recorder of Orange County, within ten days of the City Council approval, as required by Section 3093 of the California Civil Code. 4. Authorize the ten percent retention payment in the amount of \$35,289.20 to the contractor 35 days after the recording date of the Notice of Completion, providing no Stop Notices are on file with the City preventing the release of the final payment.

DISCUSSION/ACTION ITEMS:

The following matters are for City Council consideration/discussion/action. Members of the public may have the opportunity to address these items if they wish to do so. Please complete the "Request to Speak" form and give to the City Clerk.

11. [ADOPTION OF ORDINANCE NO. 196 submitted by City Clerk.](#)

1. Conduct second reading of Ordinance No. 196 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LAKE FOREST AND IRVINE RANCH WATER DISTRICT FOR CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF LAKE FOREST PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65864 ET SEQ. 2. Adopt Ordinance No. 196 as submitted.

12. [ADOPTION OF ORDINANCE NO. 197 submitted by City Clerk.](#)

1. Conduct second reading of Ordinance No. 197 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LAKE FOREST AND THE ELMER H. WHISLER 1994 TRUST FOR CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF LAKE FOREST PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65864 ET. SEQ. 2. Adopt Ordinance No. 197 as submitted.

13. [LEGISLATIVE AND REGULATORY MATTERS submitted by Assistant to the City Manager.](#)

RECOMMENDED ACTION: Receive and file report with minute action to adopt positions on various legislative proposals as recommended.

14. [REQUESTS FOR APPOINTMENT TO AGENCIES, BOARDS, COMMISSIONS AND/OR COMMITTEES THROUGH THE LEAGUE OF CALIFORNIA CITIES submitted by City Clerk.](#)

RECOMMENDED ACTION: City Council discretion.

CITY MANAGER'S REPORT:

At this time the City Manager may comment on agenda and non-agenda items; and report on items of interest to the City Council and community.

CITY COUNCIL COMMENTS:

At this time City Council Members may comment on agenda or non-agenda matters. No discussion may take place on any item not appearing on the posted agenda. Council Members may ask a question for clarification, respond to statements made or questions posed by the public, make a brief announcement, or make a brief report on his or her own activities. In addition, the City Council may refer to staff or other resources for factual information, request staff to report back at a subsequent meeting or direct staff to place a matter of business on a future agenda. No action may be taken on non-agenda matters unless authorized by law (Government Code Section 54954.2).

Council Member Dixon:

Council Member McCullough:

Council Member Rudolph:

Mayor Pro Tem Herzog:

Mayor Tetterer:

CLOSED SESSION:

At this time the City Council may recess to Closed Session for conference with Legal Counsel to discuss the items listed below pursuant to Government Code requirements. This matter is continued from the 6:00 p.m. portion of this agenda.

RECOMMENDED ACTION: Conduct continued Closed Session.

ADJOURNMENT:



In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this Meeting, including auxiliary aids or services, you should contact the Office of the City Clerk at (949) 461-3400. Notification 48 hours prior to the Meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting. The City Council agenda and agenda back-up materials can be obtained from the Office of the City Clerk on the Friday prior to the City Council meeting. Agenda and agenda packets, if requested, will be make available in an appropriate alternative format to persons with a disability as required by the Americans With Disabilities Act. Copies of the agenda are provided at no cost and agenda back-up materials are available at the per page copy cost. If you wish to be added to the mailing list to receive a copy of the agenda, request must be provided to the City Clerk in writing.

The City of Lake Forest mailing address is 25550 Commercentre Drive, Lake Forest, California 92630.
Phone: (949) 461-3400. FAX (949) 461-3511.

CERTIFICATION: I, Sherry A.F. Wentz, City Clerk of the City of Lake Forest, California, hereby certify that the foregoing agenda was posted for public review on Thursday, August 14, 2008 at 6:00 p.m.

Sherry A.F. Wentz, CMC
City Clerk